

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #23-266**

**A RESOLUTION APPROVING A HOME OCCUPATION PERMIT  
FOR A TREE CARE BUSINESS ON THE PROPERTY LOCATED AT 16201  
NOWTHEN BLVD NW AND DECLARING TERMS OF PERMIT**

**RECITALS**

1. Steven Calabrese, hereinafter referred to as the “**Permittee**”, has properly applied for a Home Occupation Permit (the “**Permit**”) to operate a tree care business (the “**Home Occupation**”) on the property located at 16201 Nowthen Blvd NW and legally described as follows:

That part of the Southwest quarter of the Northeast quarter of Section 15, Township 32, Range 25, described as follows: Commencing at Northwest Corner of Said Northeast quarter, thence South 00 Degrees, 09 Minutes, 28 Seconds East along West line thereof 1326.92 feet, thence South 52 Degrees, 45 Minutes, 58 Seconds East along center line of CSAH NO 5 843.22 feet to point of beginning, thence continue South 52 Degrees, 45 Minutes, 58 Seconds East 200 feet, thence South 31 Degrees, 24 Minutes, 02 Seconds West 398.69 feet, thence North 34 Degrees, 13 Minutes, 58 Seconds West 218.38 feet, thence North 31 Degrees, 24 Minutes, 02 Seconds East 328.97 feet to point of beginning, except road, Subject to easement of record, Anoka County, Minnesota.

(the “**Subject Property**”)

2. That in early September 2023, a code enforcement case was opened for a sign illegally constructed in the right-of-way of Nowthen Blvd NW, as well as home occupation violations at the **Subject Property**, and a first notice of violation was sent to the **Permittee**.
3. That on September 18, 2023, the **Permittee**, submitted a completed questionnaire and land use application for a Home Occupation Permit to operate a tree care business on the **Subject Property**.
4. That on September 20, 2023, City Staff conducted an inspection on the **Subject Property** and identified additional code violations, including nine items parked outside on the property, including one wood mill, one boat, one camper, two trailers, and four vehicles.
5. That the **Subject Property** is zoned R-1 Residential (Rural Developing) and the surrounding parcels are also zoned R-1 Residential (Rural Developing).
6. That the **Subject Property** is approximately 1.39 acres in size and is surrounded by lots ranging in size from 0.92 acres to 2.38 acres.

7. That the **Subject Property** is guided for Rural Developing (residential) in the City's Future Land Use Map.
8. That the **Permittee** owns the **Subject Property**, and will occupy the dwelling while conducting business on the **Subject Property**.
9. That the **Home Occupation** is proposed to be based out of the home, and the attached garage on site where equipment, one loader, and business materials will be stored.
10. That the **Permittee** has stated there will be at least 400 square feet of garage space reserved for indoor residential parking and storage in an attached garage related to residential use on the **Subject Property**, as established in City Code Section 117-351 (Home Occupation).
11. That the **Permittee** plans to store the wood mill and dump trailer outdoors, on an improved surface.
12. That at the time of writing this resolution, there are no business signs at the **Subject Property**.
13. That the **Permittee** has stated they will work with one (1) employee who will come to the **Subject Property**. The employee vehicle will be stored on the driveway of the property.
14. That the **Home Occupation** does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property** but does involve operating the business via phone call and email in an office inside the home. Customers do not come to the **Subject Property**.
15. That the **Permittee** is requesting hours of operation of 7:00 am through 8:00 pm, Fridays and Saturdays.
16. That the City finds the **Home Occupation** operates beyond the parameters of Level I Home Occupation Permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval.
17. That the Planning Commission met and held a duly noticed public hearing on October 26, 2023, during their regularly scheduled meeting and recommended approval of the **Permit**, contingent upon addressing code violation on the **Subject Property**.
18. That the City Council reviewed the request during their regularly scheduled meeting on November 14, 2023, and **approved/denied** the request.

### FINDINGS OF FACT

1. That the proposed use **will not** adversely impact traffic in the area.

2. That the proposed use **will** be compatible with the residential neighborhood due to (in part) density, lot size and use of the surrounding lots.
3. That the proposed use **will not** be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or the public welfare.
4. That the proposed use **will not** substantially or adversely impair the use, enjoyment, or market value of neighboring properties.
5. That the proposed use **will not** be hazardous or disturbing to existing or future neighboring uses.
6. That the proposed use **will** be served adequately by public facilities and services such as highways and streets.
7. That the proposed use **will not** create excessive additional requirements at public cost for public facilities and services, and it will be detrimental to the economic welfare of the community.
8. That the proposed use **will not** involve activities and uses that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

That the request for a Home Occupation Permit (the “**Permit**”) for the operation of Calabrese Tree Care LLC on the **Subject Property** is hereby approved pursuant to Sections 117-51 and 117-351 of the Ramsey City Code with the following conditions:

1. That this agreement shall permit the **Home Occupation** of a tree care business on the **Subject Property**.
2. That customers never visit the **Subject Property**.
3. That this **Permit** allows for one (1) employee to come to the **Subject Property**.
4. This **Permit** allows for the single business, Calabrese Tree Care LLC, to operate on the **Subject Property**.
5. That equipment and vehicles will be placed on the driveway; not at any time on the public streets.
6. That the **Permittee** agrees there will be no exterior evidence of the **Home Occupation** permitted on the **Subject Property** unless in compliance with Chapter 117-351 (Home Occupations) of City Code, except the vehicles mentioned above.

7. That the **Permittee** is responsible to verify and ensure that the primary structure is compliant with all applicable state and local codes.
8. That should the **Permittee** die or should the **Subject Property** be sold, the **Permit** shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the **Home Occupation**, written notice to that effect shall be given to the Zoning Administrator may authorize continuation of the **Permit** without further hearing.
9. The **Permittee** shall reside on the **Subject Property**; if the **Permittee** does not reside on the **Subject Property**, the **Permit** shall be automatically terminated.
10. That the **Permittee** agrees that if the operation expands, they will notify the City of Ramsey and apply for an amendment to this **Permit**.
11. That the **Permittee** is limited to hours of operation of 7:00 am to 8:00 pm, Fridays and Saturdays.
12. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **Permittee**.
13. That the **Permittee** shall be responsible for obtaining and having in full force and effect all applicable State, County, and City licenses. This includes a Business License with the City and registering with the State of Minnesota.
14. That the **Permittee** shall be responsible for all costs incurred in the administration and enforcement of this **Permit**.
15. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request to the **Permittee**.
16. That the **Permittee** agrees to take additional measures to keep the **Subject Property** in compliance with City Code regulations related to off-street parking and nuisance violations.
17. That this **Permit** does not authorize a future homeowner of the **Subject Property** from utilizing the attached garage for a home-based business.
18. That there shall be no outdoor storage at any time related to the **Home Occupation** besides the wood mill, dump trailer, and one (1) vehicle associated with the use.

19. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.
20. That the **Permittee** shall follow all signage regulations for **Home Occupations** as specified in City Code.
21. That the use shall not cause any other nuisance violations or City Code violations, and the **Subject Property** must remain in compliance with off-street parking violations, public nuisance code provisions, and in compliance with the International Property Maintenance Code. This includes but is not limited to: no junk being stored outside, parking only on the driveway(s), no driving on the grass, or collection of diseased tree limbs and branches.
22. That the City reserves the right to revoke the permit for any violation of the above conditions.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly approved and adopted by the Ramsey City Council this the 14<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

